

2013R00129/DVS/SD/ms

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. William H. Walls
v.	:	Crim. No. 15-77 (WHW)
MIYE CHON,	:	CONSENT JUDGMENT
Defendant.	:	AND ORDER OF FORFEITURE (MONEY JUDGMENT)

WHEREAS, on or about March 22, 2016, defendant Miye Chon pleaded guilty pursuant to a plea agreement with the United States to Counts One, Two, and Twenty-Nine of a Superseding Indictment, which charged her with bank fraud, in violation of 18 U.S.C. §§ 1344 and 2 (Count One); theft, embezzlement or misapplication of more than \$1,000 by a bank officer or employee, in violation of 18 U.S.C. §§ 656 and 2 (Count Two), and committing aggravated identity theft, in violation of 18 U.S.C. § 1028A (Count Twenty Nine);

WHEREAS, pursuant to 18 U.S.C. § 982(a)(2), a person convicted of committing bank fraud, in violation of 18 U.S.C. § 1344, as alleged in Count One of the Superseding Indictment, or theft and/or embezzlement, in violation of 18 U.S.C. § 656, as alleged in Count Two of the Superseding Indictment, shall forfeit to the United States all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of such offenses;

WHEREAS, the property subject to forfeiture by defendant Miye Chon includes a sum of money equal to \$1,351,090 representing the proceeds of the offenses charged in the Indictment;

WHEREAS, in the plea agreement, the defendant consented to the imposition of a criminal forfeiture money judgment in the amount of \$1,351,090, representing the proceeds of the offenses to which the defendant agreed to plead guilty;

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment;

WHEREAS, Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure provides that a preliminary order of forfeiture, including a preliminary order of forfeiture consisting of a money judgment, may become final at any time before sentencing if the defendant consents;

WHEREAS, defendant Miye Chon:

(1) Consents to the forfeiture to the United States of \$1,351,090 as a sum of money representing the proceeds of the offenses charged in the Superseding Indictment, to which the defendant has pleaded guilty (the "Money Judgment");

(2) Consents to the imposition of a money judgment in the amount of \$1,351,090 pursuant to 18 U.S.C. § 982(a)(2), and agrees that this Order is final at the time of its entry by the Court, pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure;

(3) Agrees to consent promptly upon request to the entry of any orders deemed necessary by the government or the Court to complete the forfeiture and disposition of property forfeited to satisfy the Money Judgment;

(4) Agrees promptly to pay the Money Judgment in full;

(5) Waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in the defendant's presence at sentencing, and incorporation of the forfeiture in the Judgment of Conviction;

(6) Acknowledges that she understands that forfeiture of property will be part of the sentence imposed upon her in this case and waives any failure by the Court to advise her of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing;

(7) Waives any and all claims that this forfeiture constitutes an excessive fine and agrees that this forfeiture does not violate the Eighth Amendment;

WHEREAS, good and sufficient cause has been shown,

It is hereby ORDERED, ADJUDGED, AND DECREED:

THAT, as a result of the offense charged in the Indictment, to which the defendant Miye Chon has pleaded guilty, the defendant shall forfeit to the United States the sum of \$1,351,090. A money judgment in the amount of \$1,431,195.22 (the "Money Judgment") is hereby entered against the defendant pursuant to 18 U.S.C. § 981(a)(2) and Federal Rule of Criminal Procedure 32.2(b).

IT IS FURTHER ORDERED that, the defendant having given her consent pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), upon entry of this Consent Judgment and Order of Forfeiture, this Order is final as to the defendant Miye Chon, shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

IT IS FURTHER ORDERED that all payments on the Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, District of New Jersey, Attn: Asset Forfeiture and Money Laundering Unit, 970 Broad Street, 7th Floor, Newark, New Jersey 07102, and shall indicate the defendant's name and case number on the face of the check.

IT IS FURTHER ORDERED that, pursuant to 21 U.S.C. § 853, the United States Marshals Service is authorized to deposit all payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

IT IS FURTHER ORDERED that, pursuant to Federal Rule of Criminal Procedure 32.2(b)(3), upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of property to satisfy the Money Judgment, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to enter a money judgment against the defendant in favor of the United States in the amount of \$1,351,090.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction to enforce this Order and to amend it as necessary. *See, e.g.,* Fed. R. Crim.

P. 32.2(e).

ORDERED this 25 day of October, 2016.

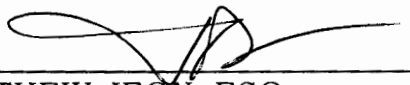

HONORABLE WILLIAM H. WALLS
United States District Judge

The undersigned hereby consent to the entry and form of this Order:

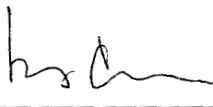
PAUL J. FISHMAN
United States Attorney


By: DANIEL SHAPIRO
Assistant United States Attorney

Dated: 10/25/16


MATTHEW JEON, ESQ.
Attorney for Defendant Miye Chon

Dated: 10/25/16


MIYE CHON, Defendant

Dated: 10/25/16